

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROYAL SLEEP PRODUCTS, INC.,  
a Florida Corporation,

Plaintiff,

vs.

**Case No.: 1:07-cv- 06588**

RESTONIC CORPORATION,  
a Delaware Corporation,  
RESTONIC MATTRESS CORPORATION,  
an Illinois Corporation  
SLEEP ALLIANCE, LLC,  
a Delaware Limited Liability Company,  
ROYAL BEDDING COMPANY OF BUFFALO,  
a New York Corporation,  
JACKSON MATTRESS CO. LLC,  
a North Carolina Limited Liability Company  
CONTINENTAL SILVERLINE PRODUCTS L.P.,  
a Texas Limited Partnership,  
STEVENS MATTRESS MANUFACTURING CO.,  
a North Dakota Corporation  
TOM COMER, JR., an individual,  
DREW ROBINS, an individual, and  
RICHARD STEVENS, an individual

Judge Pallmeyer  
Magistrate Judge Valdez

Defendants.

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**REPORT OF PARTIES PLANNING MEETING**

1. **Meeting.** On February 13, 2008, a mediation of the parties was held in Atlanta, Georgia. The mediation was attended by the following individuals:

For the Plaintiff:

Robert Zarco  
Robert Salkowski

For Defendants Restonic and  
Restonic Mattress Corporation:

Craig McCrohon

For Defendant Sleep Alliance, LLC:  
Royal Bedding Company of Buffalo,  
Jackson Mattress Co., LLC, Continental  
Silverline Products, L.P., Drew Robins and  
Tom Comer:

Thomas J. Lyman, III  
Andrew Friedberg  
Charles Powell

In addition, pursuant to Fed.R.Civ.P.26(f), a telephonic meeting was held on March 19, 2008. The following individuals participated in the telephonic conference:

For the Plaintiff:

Melissa Bernheim

For Defendants Restonic and  
Restonic Mattress Corporation:

Frederick Mendelsohn

For Defendant Sleep Alliance, LLC:  
Royal Bedding Company of Buffalo,  
Jackson Mattress Co., LLC, Continental  
Silverline Products, L.P., Drew Robins and  
Tom Comer:

Thomas J. Lyman, III  
Andrew Friedberg

For Defendants Stevens Manufacturing  
Co., LLC and Richard Stevens:

Thomas R. Hill

2. **Pre-Trial Schedule.** The parties jointly propose to the court the following discovery plan:

a. Discovery will be needed on the following subjects:

1. The business and legal relationships amongst the parties.
2. The formation of the Sleep Alliance and/or governance of the Restonic business.

3. The potential business transactions between Sleep Alliance and the Plaintiff.
  4. Whether Restonic breached any alleged agreements with the Plaintiff.
  5. Whether certain parties owe fiduciary duties to each other and whether those duties were breached.
  6. Whether business opportunities with certain third parties existed and, if so, whether certain parties interfered with these opportunities.
  7. Whether any defamatory comments were made and whether those comments caused damage to the Plaintiff.
  8. As to all of the former liability-based issues, whether any of these alleged causes of action caused damage to the Plaintiff and, if so, how much.
- b. Disclosures pursuant to Fed.R.Civ.P. 26(a)(1) will be made by May 9, 2008. All discovery will be commenced in time to be completed by September 1, 2009.
  - c. The Parties expect they will need approximately 20 depositions (currently, depositions are anticipated in multiple states including Florida, Texas, New York and North Dakota).
  - d. All reports from retained experts under Rule 26(a)(2) will be due on the following dates:
    1. From the Plaintiff on May 1, 2009.
    2. From the Defendants on July 1, 2009.
  - e. The Parties should be allowed until May 8, 2008 to join additional parties and to amend the pleadings.
  - f. All potentially dispositive motions will be filed by October 1, 2009.
  - g. Final Pretrial Order: Plaintiff to prepare proposed draft by November 6, 2009; Parties to file joint final pretrial order by November 20, 2009.
  - h. The case should be ready for trial by December 1, 2009 and at this time is expected to take approximately ten (10) court days.

3. **Settlement.** At least 14 days prior to the Rule 16(b) scheduling conference, Plaintiff is directed to make a written settlement demand to the Defendants. At least 7 days prior to the scheduling conference, Defendants are to respond in writing to the Plaintiff's settlement demand.

4. **Consent.** Parties do not consent unanimously to proceed before a Magistrate Judge.

Dated: March 24, 2008

**ZARCO EINHORN SALKOWSKI & BRITO, P.A.**  
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Melissa L. Bernheim, Esq.  
Florida Bar No. 0623059  
(All admitted *Pro Hac Vice*)

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150 North Michigan Avenue, Suite  
Chicago, IL 60601.

By: /s/ Thomas James Lyman, III

Thomas James Lyman, III, Esq.  
Illinois Bar No. 6194687

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day caused a true and correct copy of this Report of Parties Planning Meeting, to be served upon the parties listed on the attached service list according to ECF Rules in compliance with Fed. Rule Civ. P. 5(b)(2)(D).

By: /s/ Brian Ira Tanenbaum  
BRIAN IRA TANENBAUM

**SERVICE LIST**

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